

**UNITED STATES DISTRICT COURT
DISTRICT OF WASHINGTON AT SEATTLE**

GLACIAL CRYOTHERAPY LLC,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

EVANSTON INSURANCE COMPANY,
Defendant.

No. 2:21-cv-00266-BJR

**STIPULATION AND ORDER STAYING
DISCOVERY AND RELATED
DEADLINES**

STIPULATION

Plaintiff filed a notice in this action asserting that certain other cases pending in this Court are related cases under LCR 3(g)(4)(B), because “all of the actions assert claims for business interruption coverage, each involves common or materially identical insuring forms, and it appears likely that there will be an unduly burdensome duplication of labor and expense or the potential for conflicting results if the cases are conducted before different judges.” (Dkt. No. 2.) All of those cases, along with this case, have been assigned to the Hon. Judge Rothstein.

In each of those related cases, and coordinating across those cases, the Court has entered orders staying discovery pending determination of motions to dismiss, setting common briefing deadlines on those and other motions, and encouraging counsel to coordinate to reduce duplication of effort and to

1 preserve judicial economy in deciding the motions. In this case, defendant Evanston intends to file a
2 motion to dismiss, raising a number of the same issues raised in pending motions to dismiss in the
3 related cases. In an effort to continue to follow the Court's directives for these related cases, counsel
4 for the parties in this case have conferred, and stipulate and respectfully propose the following:

5 1. Defendant's motion to dismiss or other response to the complaint herein shall be due on
6 Monday, April 26, 2021.

7 2. Discovery should be stayed in this case as it has been in other related cases.

8 3. Deadlines in the Order Regarding Initial Disclosures and Joint Status Report (Dkt. No.
9 7) should be stayed.

10 4. The parties will confer about (a) the exchange of discovery pursuant to Fed. R. Civ. P.
11 26; (b) the time of Plaintiff's motion for class certification pursuant to Fed. R. Civ. P. 23; and (c) other
12 appropriate case scheduling matters to the extent appropriate after the Court has ruled on the merits of
13 Defendant's dispositive motion.

14 5. This stipulation is made without prejudice to Defendant raising any available defenses.

15 IT IS SO STIPULATED.

16 DATED this 25th day of March 2021.

17 KELLER ROHRBACK L.L.P.

18 By: /s/ Amy Williams-Derry
19 Attorney Amy Williams-Derry
Attorneys for Glacial Cryotherapy LLC

20 DATED this 25th day of March 2021.

21 REED MCCLURE

22 By: /s/ Marilee C. Erickson
23 Marilee C. Erickson
24 Attorneys for Evanston Insurance Co.
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ORDER

Having reviewed the foregoing Stipulation of the parties, and finding that good cause exists for the requested relief, the Court HEREBY GRANTS the relief requested, as follows:

1. Defendant's motion to dismiss or other response to the complaint herein shall be due on or before Monday, April 26, 2021.

2. Discovery is HEREBY STAYED.

3. Deadlines of the Order Regarding Initial Disclosures and Joint Status Report are HEREBY STAYED.

4. The parties SHALL CONFER about (a) the exchange of discovery pursuant to Fed. R. Civ. P. 26; (b) the timing of Plaintiff's motion for class certification pursuant to Fed. R. Civ. P. 23; and (c) other appropriate case scheduling matters to the extent appropriate after the Court has ruled on the merits of Defendant's motion to dismiss.

5. This Order is issued without prejudice to Defendant raising any possible defenses later in the case.

IT IS SO ORDERED.

DATED this 25th day of March, 2021.



Honorable Barbara J. Rothstein
United States District Court Judge